

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT L. DYKES-BEY,  
Plaintiff,

v.

EMILY CECIL, *et al.*,  
Defendants.  
\_\_\_\_\_ /

Case No. 23-11998

Susan K. DeClercq  
United States District Judge

Curtis Ivy, Jr.  
United States Magistrate Judge

**ORDER REGARDING PLAINTIFF'S DISCOVERY REQUESTS AND ECF  
No. 21**

Plaintiff moved to compel responses to discovery requests on December 6, 2024. (ECF No. 21). Defendants said they never received Plaintiff's requests. (ECF No. 23). Plaintiff attached his requests to his brief in reply. The proof of service for those requests shows that Plaintiff mailed them to a law firm unconnected to this litigation. (ECF No. 26, PageID.116-29). Since Plaintiff did not mail his requests to Defendants' counsel, the motion to compel responses is **DENIED**.

This decision does not bring an end to the issue, however. The Court is not inclined to catch Plaintiff on a technical mistake and leave him without the benefit of the discovery he asked for now that discovery is closed. Defendants have the discovery requests included with the reply brief. And the Court can modify case management deadlines on a showing of good cause. Fed. R. Civ. P. 16(b)(4).

Plaintiff's mistake in the mailing address is good cause to allow time for the Defendants to respond or object to the discovery requests. Thus, the Court **ORDERS** Defendants to respond or object to the requests within 30 days of this Order.

Defendant moved for summary judgment on January 27, 2025, the deadline for the motion. (ECF No. 27). So that Plaintiff may use the discovery in response to the motion for summary judgment, the Court will give Plaintiff until **March 28, 2025**, to respond to the motion for summary judgment. Defendants' reply is due within 14 days of service of the response. This should be sufficient time for the exchange of discovery and drafting a response brief.

**IT IS SO ORDERED.**

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: January 28, 2025

s/Curtis Ivy, Jr.

Curtis Ivy, Jr.

United States Magistrate Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System or by First Class U.S. mail on January 28, 2025.

s/Sara Krause

Case Manager

(810) 341-7850